

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ARLO KRISTIAN McGOVERN,

Case No. 2:19-cv-01977-RFB-DJA

4 Plaintiff

ORDER

5 v.

6 WILSON, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 On November 8, 2019, Plaintiff, an inmate in the custody of the Nevada
11 Department of Corrections ("NDOC"), submitted a civil rights complaint under 42 U.S.C.
12 § 1983. With his initial filing, Plaintiff did not pay the full \$400 filing fee or file an application
13 to proceed *in forma pauperis*. On November 18, 2019, the Court issued an order directing
14 Plaintiff to file a fully complete application to proceed *in forma pauperis* and attach both
15 an inmate account statement for the past six months and a properly executed financial
16 certificate or pay the full \$400 filing fee for this civil action. (ECF No. 3). On December
17 4, 2019, Plaintiff filed an application to proceed *in forma pauperis* without the required
18 financial attachments. (ECF No. 7). Also, on December 4, 2019, Plaintiff filed a motion
19 to waive financial certificate (ECF No. 6).

20 Plaintiff's application to proceed *in forma pauperis* is incomplete. Under 28 U.S.C.
21 § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed
22 *in forma pauperis* and attach both an inmate account statement for the past six months
23 and a properly executed financial certificate. Plaintiff has not submitted an inmate
24 account statement for the past six months or a properly executed financial certificate.
25 (See ECF No. 7). The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but
26 will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be
27 granted an opportunity to cure the deficiencies of his application to proceed *in forma*
28 *pauperis* by filing an inmate account statement for the past six months and a properly

1 executed financial certificate, or in the alternative, pay the full filing fee for this action
2 within **forty-five (45) days** from the date of this order. If Plaintiff fails to file an inmate
3 account statement for the past six months and a properly executed financial certificate,
4 the Court will dismiss the case in its entirety, without prejudice, to file a new case when
5 Plaintiff is able to acquire the necessary documents to file a complete application to
6 proceed *in forma pauperis*.

7 With respect to Plaintiff's motion to waive financial certificate (ECF No. 6), Plaintiff
8 is advised that the Court is not able to waive the financial certificate and inmate account
9 statement. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, Plaintiff must complete
10 an application to proceed *in forma pauperis* and attach both an inmate account statement
11 for the past six months and a properly executed financial certificate. Therefore, the Court
12 will construe Plaintiff's motion to waive financial certificate (ECF No. 6) as a motion for
13 extension of time to file his inmate account statement for the past six months and a
14 properly executed financial certificate. The Court grants Plaintiff's motion for extension
15 of time. (ECF No. 6).

16 **II. CONCLUSION**

17 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
18 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
19 as the document entitled information and instructions for filing an *in forma pauperis*
20 application.

21 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this
22 order, Plaintiff will either: (1) file an inmate account statement for the past six months and
23 a properly executed financial certificate in compliance with 28 U.S.C. § 1915(a); or (2)
24 pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
25 administrative fee).

26 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an inmate account
27 statement for the past six months and a properly executed financial certificate, the Court
28 will dismiss the case, without prejudice, for Plaintiff to file a new case when he is able to

1 acquire the necessary documents to file a complete application to proceed *in forma*
2 *pauperis*.

3 IT IS FURTHER ORDERED that Plaintiff's motion for extension of time (ECF No.
4 6) is GRANTED.

5 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
6 (ECF No. 1-1) but will not file it at this time.

7 DATED THIS 11th day of December, 2019.

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UNITED STATES MAGISTRATE JUDGE